

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
v.
Plaintiff,
ELOIZA E ESTRADA,
Defendant.

Case No. 1:20-po-00050-SAB-1

ORDER DENYING DEFENDANT'S REQUEST
FOR ADVANCED SENTENCING

Currently before the Court is Defendant's request to advance her sentencing to March 15, 2024.

(ECF No. 36.) For the following reasons, the Court shall deny her request.

On March 5, 2024, Defendant made an appearance on the petition for violation of probation filed on October 4, 2021. (ECF No. 31.) Jeffrey Spivak appeared for the United States and Griffin Estes appeared with Defendant, who was then in custody. (Id.) Defendant was released from jail on conditions and a status conference was set on March 7, 2024. (ECF No. 32.) At the status conference held before the undersigned on March 7, 2024, Defendant admitted to Counts 1 and 2 of the petition. (Id. at 35.) Counsel for Defendant informed the Court that Defendant is not employed. Further, the parties did not agree as to the Defendant's criminal history. The United States contends Defendant has been convicted of three offenses since September 17, 2020; however, counsel for Defendant maintains there have only been two convictions in the same timeframe. Because the parties did not agree as to Defendant's criminal history, the Court ordered the matter be referred to probation for preparation of criminal history report and set sentencing for April 18, 2024, at 10:00 a.m. in Courtroom 9. The Court noted it would entertain advancing the matter if the probation report is returned at an earlier date.

1 Defendant's instant request states a criminal history report has been prepared and has been sent
2 to the Court for review. The Court notes it is in receipt of a memorandum from probation dated March
3 5, 2024. Neither party directed the Court to the memorandum at the March 7, 2024 hearing. The Court
4 also notes the memorandum is incomplete. Five offenses are listed and there are two noted convictions.
5 However, the most recent offense dated December 6, 2022 states "no disposition noted." This report is
6 therefore insufficient to resolve the parties' specific disagreement as to the number of Defendant's
7 convictions since September 17, 2020.¹ The Court's order referring the matter to probation to prepare a
8 complete criminal history check remains in effect.

9 Contrary to the representation regarding Defendant's unemployment status at the March 7, 2024
10 hearing, Defendant's instant request proffers that Defendant works occasionally on an inconsistent work
11 schedule. (ECF No. 36.) Given Defendant's current release condition that she does not leave the residence
12 of her third-party custodian with the exception of court-ordered activities, Defendant avers an earlier court
13 sentencing date will allow Defendant to seek employment. As noted on the record at the March 7, 2024
14 hearing, the Court will entertain advancing the sentencing hearing if a sufficient criminal history check
15 returns earlier than April 18, 2024. Counsel are reminded to be prepared at each hearing before this Court
16 so that the Court can make a meaningful rulings and decisions can be made at the hearing. This avoids the
17 need for unnecessary work and orders by the courts.

18 IT IS ORDERED that the Defendant's request to advance sentencing is DENIED.

19

20 IT IS SO ORDERED.

21 Dated: March 11, 2024



UNITED STATES MAGISTRATE JUDGE

27 ¹. The report was prepared at the request of the initial appearance judge, and therefore, was
28 prepared on an expedited basis. Since detention was no longer an issue for this Court, this Court was
unaware of the report at that time of the hearing.